

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14535, of John Bodner, Jr., pursuant to Paragraph ANC 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct an addition to an existing single family dwelling in a R-1-B District at premises 4707 Reservoir Road, N.W. (Square 1370, Lot 15).

HEARING DATE: January 21, 1987

DECISION DATE: January 21, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The subject site, known as premises 4707 Reservoir Road, N.W., is located on the north side of Reservoir Road. It is in an R-1-B District.

The subject site is an irregularly shaped quadrilateral with a frontage of 201.07 feet along Reservoir Road and a depth on the east side of 214.20 feet and on the west side of 78.59 feet. The rear property line measures 91.49 feet. The site slopes to the front.

3. The subject site is improved with a two story, brick single family detached dwelling which was originally constructed in the 1920's. There is a swimming pool located to the immediate rear of the dwelling towards the east side.

4. The R-1-B District extends in all directions from the site. The German Embassy is located to the immediate east of the site. The New First High Reservoir is also located to the east of the site at the rear.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a variance from the side yard requirement (Sub-section 3305.1) to construct a two story side addition to the subject structure.

6. The proposed addition would be built on the east side of the house after the removal of an outside porch which currently runs from the front to the rear of the house on the east side. The proposed addition would consist primarily of an enlargement of the kitchen on the main level and an enlargement of space on the second level for bedroom use.

7. The addition would be built to the property line on the east side of the property.

8. It is not possible or practicable to build the proposed addition to the rear of the house because of the location of the swimming pool. The only reasonably alternative for the proposed addition is on the east side of the dwelling.

9. The proposed kitchen addition on the main level will be entered from the existing kitchen, which is now antiquated and very small. The bedroom space on the second floor will be accessed by an existing hallway.

10. The proposed addition will be screened from adjacent properties by a heavy growth of trees and shrubs.

11. By letter dated January 15, 1987, Advisory Neighborhood Commission (ANC) 3B reported that it voted to support the application as there was no opposition expressed by the residents of the area.

12. The owner of the property to the east of the subject dwelling is the U.S. Government, Corps of Engineers, Department of the Army. The Corps of Engineers, through Harry C. Ways, Chief, Washington Aqueduct Division, submitted a letter, attached to the application, expressing the view that the Corps of Engineers has no objection to the proposed addition to the house that would extend to the property line.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique exceptional condition of the property and the location of dwelling and swimming pool on the property. The Board further must find that the application will not be a substantial detriment to the public and will not substantially impair the intent and purpose of the zone plan. Sub-section 3305.1 requires a side yard of eight feet. The proposed addition will provide a west side yard of 50 feet and an east side yard of zero feet necessitating a variance of eight feet or 100 percent.

The Board concludes that the applicant has met the burden of proof. The practical difficulty is inherent in the location of the dwelling and the swimming pool on the site because the proposed addition cannot be built to the rear of the dwelling and the only certain area reasonably

suitable for the proposed addition is on the east side of the dwelling.

The Board further concludes that the relief can be granted without substantially impairing the intent and purpose of the zone plan. The proposed addition is not adjacent or near any other residences and it is adequately screened from neighboring properties. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 10 of the record.

VOTE: 5-0 (John G. Parsons, William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: MAR 5 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14535order/LJP16